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TAGS: [PGOV](#) [PREL](#) [ECON](#) [ENRG](#) [SR](#) [KV](#)
SUBJECT: KOSOVO: DEVELOPMENTS IN NORTHERN KOSOVO POINT TO PARTITION
NOT PRAGMATIC ENGAGEMENT

REF: A) 09 PRISTINA 578 AND PREVIOUS
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SENSITIVE BUT UNCLASSIFIED - PLEASE PROTECT ACCORDINGLY

¶1. (SBU) SUMMARY: Political developments in northern Kosovo in the second half of 2009, notably illegal parallel elections that ousted representatives of former Serbian Prime Minister Kostunica's party from power, and the decision by current Serbian President Tadic to remove notorious hardliners from positions of power in the north, raised hopes that Belgrade was laying the groundwork for the practical cooperation on Kosovo the international community has long sought. Developments in the last quarter of 2009 suggest that Belgrade has a much more problematic and dangerous agenda. Serbia used the Kosovo Energy Corporation's (KEK) October 2009 temporary shutoff of power to the north to sever electricity links between north and south. On Christmas 2009, Belgrade dissolved the illegal, parallel municipal assembly in Mitrovica, a move that will severely undercut, if not derail international community plans, for May 2010 elections in Ahtisaari-mandated municipality of North Mitrovica. Finally, in late December, Belgrade appointed Serbian judges to illegal, parallel courts in Mitrovica, a blow to the months-long, EULEX-led effort to reopen the legal Mitrovica Court. To the GOK and the citizens of Kosovo, these actions look like an attempt by Belgrade to, at a minimum, cement a de facto partition of Kosovo. We share these concerns. If we are to succeed in our strategic goal of a multi-ethnic, undivided, democratic Kosovo moving towards Europe, we need to demonstrate to Belgrade, and to both Serbs and Albanians north and south of the Ibar, that the north is and will remain part of Kosovo. END SUMMARY

KINDLER AND GENTLER, BUT STILL ILLEGAL, STRUCTURES

¶2. (SBU) The May 2008 municipal elections organized by Serbia in Kosovo led to an outright takeover of the three Serb-majority northern municipalities (i.e., Zubin Potok, Leposavic, Zvecan) and north Mitrovica by illegal parallel structures. These institutions, dominated by members of former Serbian Prime Minister Kostunica's

party, were often at odds with current President Tadic's government.

Tadic sought to slowly assert his influence in the north by removing Kostunica-appointed officials there, but after the dramatic June 2009 stoning of Serbian Minister for Kosovo Bogdanovic's car during a visit to northern Kosovo, Tadic moved more aggressively to increase the influence of his supporters in northern Kosovo. In August 2009, Tadic removed notorious hardliners Marko Jakšić and Milan Ivanović from their managerial positions in the north Mitrovica hospital. Belgrade also dissolved the parallel assembly in Leposavić and held "extraordinary" elections there on November 29, 2009, which resulted in Tadic's Democratic Party (DS), in coalition with the Socialist Party of Serbia (SPS), taking power from the Democratic Party of Serbia (DSS). Some within the international community were hopeful that these moves opened up possibilities for more pragmatic engagement by Belgrade in the north. Other developments affecting the north suggest pragmatism was not what drove the change to new, "kinder and gentler" leadership of these still illegal structures.

SERBIA PUSHES ELECTRICITY PARTITION

¶3. (SBU) "Cynically opportunistic," not "constructively pragmatic," would better describe Belgrade's reaction to the October 2009 temporary shutoff of power to the north by the Kosovo Energy Corporation (KEK). Technical and weather issues prompted the shutoff, but Belgrade moved quickly to politicize the issue and use the shutoff as a pretext for severing electricity links between north and south Kosovo. In pursuit of this strategy, Belgrade allowed the Serbian state electrical power company (EPS) to start billing customers in the north in December 2009 -- an illegal act under UNMIK law, according to which KEK is the sole licensed, legal energy distributor. Moreover, the Serbian state electric power

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transmission firm, EMS -- also without a license to operate in Kosovo -- has made illegal claims to control Kosovo territory for power transmission, implying its ownership of northern Kosovo electricity assets. At times, Serbia has attempted to portray the northern electrical power issue as a need for commercial competition, but Belgrade's actions appear aimed at consolidation of Serbian control over electricity in the north, just one more step toward total control of that part of the country.

DEFENDING NORTH MITROVICA AND UPENDING AHTISAARI

¶4. (SBU) On December 25, Serbia dissolved the illegal parallel municipal assembly of Mitrovica, which means that elections must be held there by April. The timing of the Mitrovica parallel elections will undoubtedly make it more difficult for the international community to successfully establish the Ahtisaari-mandated municipality of North Mitrovica, which is supposed to culminate in May elections. Serbs in Partesh in southern Kosovo, the other Ahtisaari-manadate Serb-majority municipality scheduled to hold elections in May, are eager to participate in Kosovo elections and to proceed with decentralization. On our trips to north Mitrovica during the past months we have heard from media, NGO, civil society, and political sources that people are unhappy with the practical problems that burden their daily lives, but also that they are unwilling to confront poorly performing parallel structures, let alone engage legitimate Kosovo structures. "Kosovo is Serbia" is a very firmly held view north of the Ibar, and the illusion that the region has a future outside Kosovo is widely encouraged and accepted. Our exchanges suggest that absent a clear, affirmative signal from Belgrade, the prospects for any significant Serb participation in Kosovo elections in North Mitrovica remain minimal.

Belgrade's plans for near-contemporaneous illegal parallel elections suggest strongly that such a signal is not forthcoming. The parallel elections themselves will only further dampen Serb turnout in the legitimate Kosovo elections.

GOS REINFORCES PARALLEL COURT SYSTEM, BLOCKS EULEX

¶5. (SBU) Efforts that would undergird de facto partition are also

visible in the court system, where Serbia is reinforcing its own unilateral -- albeit poorly functioning -- judicial system there and blocking EULEX efforts to integrate northern courts in the Kosovo judicial system. A December 10 EULEX report on providing justice in Mitrovica concluded that Belgrade's conditions on reopening the district and municipal courts in Mitrovica made progress impossible, and that only unlinking these courts from broader political issues could solve the issue. In late December 2009, Belgrade further politicized the issue by nominating judges and prosecutors to illegal, parallel courts for Mitrovica. In response, EULEX on January 4 labeled the nomination a "political decision" which called for "urgent measures." (Note: It is still unclear what measures EULEX will employ, but EULEX has emphasized that its approach would be gradual and would not involve proactive measures designed to disrupt the illegal Serbian parallel courts or prevent them from operating. End Note) Serbian Assistant Minister for Kosovo Dragan Petkovic told us on January 8 that Serbia planned to establish judicial centers in Mitrovica, Gracanica, Ranilug and Strpce, but he could not explain why the GoS had only nominated judges for Mitrovica. These actions appear to create another north-south partition, and to block any involvement by GoK structures in the north.

COMMENT

¶6. (SBU) Though some within the international community remain optimistic about the prospects for pragmatic engagement by Belgrade on Kosovo and that DS interlocutors in the north will be more constructive than their DSS predecessors, we remain skeptical. From our perspective, we see Belgrade's actions on electricity, the

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courts, and elections for illegal parallel structures as creating an environment that reinforces a de facto partition. Replacing DSS hardliners with a better-mannered DS cadre is a pleasant optic for the international community, but it ignores issues of substance. The GoS has set the stage to block progress on real issues of consequence in the north: control over electricity, a unitary and functioning judicial system, and decentralization/functional municipal governments. We expect Belgrade to take a similar approach to customs issues. Unfortunately, our international partners remain reluctant to confront Belgrade on issues in the north, even where GoS actions are patently in violation not only of Kosovo law, but also even of UNSCR 1244 itself, as is the case in courts, electricity and local administration. If we are to succeed in our strategic goal of a multi-ethnic, undivided, democratic Kosovo moving towards Europe, we need clear and concrete steps to reverse the status quo that is leading to de facto partition, and to demonstrate to Belgrade, and to both Serbs and Albanians throughout the country, that the north is and will remain part of Kosovo.

MURPHY